

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, MAY 10, 1999**

1

Crim. THE PEOPLE (Not for Publication)
No. v.
C029749 GRACIANO VIRGIL ALVARADO
The judgment is affirmed.
HULL, J.
We concur: NICHOLSON, Acting P.J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028731 TOMMY SANDOVAL DOMINGUEZ
The judgment is affirmed.
HULL, J.
We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031172 RAQUEL DIANA SALAS
The judgment is affirmed.
KOLKEY, J.
We concur: SCOTLAND, P.J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027712 RONALD JUSTIN TAYLOR
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: NICHOLSON, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028338 JUAN LUIS SAUCEDO-MARTINEZ
The appeal is dismissed.
BLEASE, Acting P.J.
We concur: DAVIS, J.
NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, MAY 10, 1999 CONTINUED**

2

Crim. THE PEOPLE (Not for Publication)
No. v.
C027217 MICHAEL O'NEILL

The judgments of conviction for possession of a short-barreled shotgun, possession of a firearm by a felon, possession of a destructive device, two counts of discharging a firearm at an inhabited dwelling, discharging a firearm with gross negligence, and two firearm use enhancements are affirmed. The sentence imposed for discharging a firearm with gross negligence is stayed pursuant to section 654. The findings concerning defendant's prior convictions are reversed. This matter is remanded for trial on the issue of whether defendant suffered those convictions.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031154 DAVID CHRISTOPHER WREN

The judgment is affirmed.

HULL, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029515 DANIEL AARON CUCCARO

We reverse defendant's conviction for assault with a firearm. We order the superior court to lift the section 654 stay on the negligent discharge of a firearm sentence (count2) so that the defendant may serve the 25-year-to-life sentence on that conviction. The superior court is directed to amend the abstract of judgment in accordance with these directions and orders, and forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

NICHOLSON, Acting P.J.

We concur: MORRISON, J.
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, MAY 11, 1999**

3

Civil JONATHAN LEVI ROSS, a Minor, etc.
No. v. (Not for Publication)
C026415 FORD MOTOR COMPANY

The judgment is reversed. The parties shall bear their own costs on appeal.

SCOTLAND, P.J.

We concur: SIMS, J.
MORRISON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, MAY 11, 1999 CONTINUED**

4

Crim. THE PEOPLE (Not for Publication)
No. v.
C029113 LUIS RAMIREZ MARQUEZ

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029671 PAUL EDWARD TAYLOR

The judgment is affirmed but for the determination of credit for actual time served. Regarding credit for time served, the sentence is reversed and the matter remanded to the sentencing court to determine and award credit for the actual time defendant spent in prison between the date sentence was initially imposed and the date he was resentenced. The court thereafter shall advise the Department of Corrections of the credit determination. (See People v. Honea, supra, 57 Cal. App. 4th at p. 846.)

KOLKEY, J.

We concur: SIMS, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028480 JESSE LEE ROBINSON

The judgment is affirmed.

MORRISON, J.

We concur: RAYE, Acting P.J.
CALLAHAN, J.

Civil GAYLE PARK (Not for Publication)
No. v.
C028308 IMPERIAL BANK

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.
CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, MAY 12, 1999**

5

Crim. TH PEOPLE
No. v.
C032002 MICHAEL BROWN, III et al.
Crim. THE PEOPLE
No. v.
C032410 JOHN FRANKLIN TAYLOR
BY THE COURT:

Good cause appearing, it is ordered that the above cases be consolidated. All further filings will bear the number C032002.

Dated: May 12, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE
No. v.
C029404 RONALD DEAN GLASER
BY THE COURT:

Respondent's petition for rehearing is denied.

Dated: May 12, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030974 MARTIN BADY LEWIS

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029493 KRISTOPHER PERRY FOREMAN

The order denying additional sentence credit is affirmed.

HULL J.

We concur: NICHOLSON, Acting P.J.
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, MAY 12, 1999 CONTINUED**

6

Juvenile VICTORIA I.
No. v.
C032171 THE SUPERIOR COURT OF SHASTA COUNTY
 SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES et al.
 The petition is denied.

SIMS, Acting P.J.

We concur: DAVIS, J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027327 ALONZO JAMES JOSEPH
 The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

Crim THE PEOPLE (Not for Publication)
No. v.
C026155 PATRICK MICHAEL PATTERSON
 The judgment is affirmed.

RAYE, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027670 IRMA BAZLEY

The judgment is modified to award defendant one additional day of presentence custody credit (§ 2900.5) and two days of conduct credit (§4019). The trial court is directed to prepare an amended order of probation and to forward a copy to the appropriate authorities. In all other respects, the judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, MAY 12, 1999 CONTINUED**

7

Crim. THE PEOPLE (Not for Publication)
No. v.
C029717 JOHNNY MOORE

The order denying additional sentence credit is affirmed.
HULL, J.

We concur: SCOTLAND, P.J.
NICHOLSON, J.

THURSDAY, MAY 13, 1999

Crim. THE PEOPLE
No. v.
C025730 THOMAS GERALD MORGAN
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: May 13, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE
No. v.
C030213 MICHAEL ANGELO SERRATO
BY THE COURT:

Appellant's petition for rehearing, filed in propria persona, is denied.

Dated: May 13, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE
No. v.
C027566 BENITO MORALES
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: May 13, 1999

SCOTLAND, P.J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, MAY 13, 1999 CONTINUED**

8

Crim. THE PEOPLE
No. v.
C032422 RICHARD MARLIN COLLINS
BY THE COURT:

The court having examined the notice of appeal and having determined that the order appealed from is nonappealable, the appeal filed April 16, 1999, is dismissed. (Cal. Const., art. VI, § 11; Pen. Code, § 1466.)

Dated: May 13, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030626 STEVE ROGER FOULK

The judgment (order granting probation) is affirmed.
SCOTLAND, P.J.

We concur: NICHOLSON, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028766 SHAUN DUVALL BRYE

The convictions for robbery (§ 211) and felon in possession of a firearm (§ 12021, subd. (a)) are affirmed. The one-year term imposed for the enhancement pursuant to section 667.5, subdivision (b) is stricken. The consecutive term of 16 months imposed for the felon in possession of a firearm is stayed pending completion of the remaining 14 years. The superior court is directed to prepare an amended abstract of judgment reflecting these changes and to forward a certified copy thereof to the Department of Corrections.

DAVIS, Acting P.J.

We concur: MORRISON, J.
CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, MAY 13, 1999 CONTINUED**

9

Crim. THE PEOPLE (Not for Publication)
No. v.
C031372 DONALD JACK RAMSEY

The judgment is affirmed.

SCOTLAND, P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029133 ROGER JOEL MACKRILL

The matter is remanded for the limited purpose of determining the appropriate custody and credits. (People v. Thornburg, supra, 65 Ca. App. 4th at p. 1176.) In all other respects, the judgment is affirmed.

SCOTLAND, P.J.

We concur: SIMS, J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028256 KELLY VAUGHN KIMBLE

The judgment is affirmed.

SCOTLAND, P.J.

We concur: DAVIS, J.
MORRISON, J.

Civil STEVEN WALKER (Not for Publication)
No. v.
C029815 ROTUNDA PARTNERS, et al.

The judgment is affirmed.

SCOTLAND, P.J.

We concur: SIMS, J.
CALLAHAN, J.

